

MEETING RECORD

NAME OF GROUP:

PLANNING COMMISSION

**DATE, TIME AND
PLACE OF MEETING:**

Wednesday, April 15, 2020, 1:00 p.m., Hearing Room 112,
on the first floor of the County-City Building, 555 S. 10th
Street, Lincoln, Nebraska

**MEMBERS IN
ATTENDANCE:**

Tom Beckius, Dick Campbell, Tracy Corr, Tracy Edgerton,
Cindy Ryman Yost and Cristy Joy; Shams Al-Badry, Deane
Finnegan and Dennis Scheer absent; David Cary, Steve
Henrichsen, Paul Barnes, Allan Zafft (via broadcast and by
phone), Geri Rorabaugh and Rhonda Haas (via broadcast)
of the Planning Department; media and other interested
citizens.

**STATED PURPOSE
OF MEETING:**

Regular Planning Commission Hearing

Chair Corr called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Chair Corr requested a motion approving the minutes for the regular meeting held April 1, 2020.

Motion for approval of the minutes made by Campbell, seconded by Beckius and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

Clerk noted Commissioner Joy declared a Conflict of Interest on Items 1.1a and 1.1b, Comprehensive Plan Conformance 20003 and Special Permit 20007 and, therefore, is recusing herself from voting on the Consent Agenda items and exited the chambers.

The Clerk noted that the applicant has requested to continue deferral on Items 1.4, Change of Zone 20009, for four weeks to the regular Planning Commission hearing on May 13, 2020; and, therefore, this application was removed from the Consent Agenda.

CHANGE OF ZONE 20009

FROM R-3 (RESIDENTIAL DISTRICT) TO R-3 PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW UP TO 130,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND UP TO 322 SINGLE- AND MULTIPLE-FAMILY DWELLING UNITS WITH WAIVERS TO THE ZONING AND SUBDIVISION

REGULATIONS, ON PROPERTY GENERALLY LOCATED AT SOUTH 59TH CIRCLE AND PINE LAKE ROAD

Members present: Campbell, Edgerton, Ryman Yost, Beckius and Corr; Joy Conflict of Interest; Al-Badry, Finnegan and Scheer absent.

Staff Recommendation: Four-week deferral.

The Clerk noted that the applicant has requested to defer this item for four weeks to the regular Planning Commission hearing on May 13, 2020.

Campbell moved to grant the request for a 4-week deferral for public hearing and action on May 13, 2020, seconded by Beckius and carried 5-0: Campbell, Edgerton, Ryman Yost, Beckius and Corr voting 'yes'; Joy declared a Conflict of Interest; Al-Badry, Finnegan and Scheer absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

April 15, 2020

Members present: Campbell, Edgerton, Ryman Yost, Beckius and Corr; Joy declared Conflict of Interest; Al-Badry, Finnegan and Scheer absent.

The Consent Agenda consisted of the following item: Comprehensive Plan Conformance 20003, Special Permit 20007, Comprehensive Plan Conformance 20004, Text Amendment 20003, Change of Zone 20010 and Waiver 20002.

There were no ex parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Campbell moved approval of the remaining Consent Agenda items, seconded by Edgerton and carried 5-0: Campbell, Edgerton, Ryman Yost, Corr and Beckius voting 'yes'; Joy declared a Conflict of Interest; Al-Badry, Finnegan and Scheer absent.

Note: This is FINAL ACTION on Special Permit 20007 and Waiver 20002, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Joy returned to the chambers.

COMPREHENSIVE PLAN CONFORMANCE 20005
TO REVIEW AS TO CONFORMANCE WITH THE 2040 LINCOLN-LANCASTER COUNTY
COMPREHENSIVE PLAN, THE CITY OF LINCOLN'S 6-YEAR CAPITAL IMPROVEMENTS PROGRAM
(CIP) FOR FY 2020/2021 TO 2025/2026

PUBLIC HEARING:

April 15, 2020

Members present: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr; Al-Badry, Finnegan and Scheer absent.

Staff Recommendation:

Comprehensive Plan Conformance 20005

In Full of General Conformance with the Comprehensive Plan

There were no ex parte communications disclosed.

Staff Presentation: David Cary, Planning Department, came forward and stated this is for the Capital Improvements Program (CIP), which is a requirement within the Charter. For the record, Cary provided an overview of the process whereby, every two years, projects are reviewed as part of the budget process. The Planning Department creates the CIP program, working with departments to come up with their programs. They also work with the Capital Improvements Advisory Committee (CIAC), which includes a representation from the Mayor's Office, Department Directors and other staff. The Mayor's CIAC oversees the development of the CIP, which will be the CIP for the next six years. The first two years, will become the capital budget, which goes along with the operating budget.

Cary stated the CIP is divided by departments, which includes project descriptions, the level of priority that is given, budget outcomes, and, most importantly, the staff interpretation of the level of conformity with the CIP. A Planning Commission was held on this topic on April 1, 2020.

Campbell asked if the virus situation and potential change of sales tax revenue would impact some of the projects if funding is not available. Cary said yes, obviously, as these are extraordinary times and this will have an impact on our economy and what we can do.

Joy inquired as to how they would decide if a project would need taken out of the queue. Cary explained that would be part of the decision-making with the budget process. It would go to the Mayor who will produce the Mayor's budget, and then considered by the City Council.

Corr asked if some of the decision-making would depend on federal funds or just local funds. Cary stated many of the projects listed depend on federal or other outside funding.

Beckius asked about the aerial ladder and replacement fire engine changes in the CIP, and further asked where this would put the entire fleet at the end of the six years. Cary stated the ladders and engines are a higher priority for the Fire Department. There will be ongoing conversations where they try to find additional funding for these replacements. These needs were identified in years three through six. Beckius asked if at the end of the six years, and if the budget meets the CIP needs, would this be a status quo or slight movement in the right direction. Cary stated if the needs that are in the out years are met with another funding source, we would be in a much better position.

Beckius asked about the sanitary sewer project for Lincoln Transportation & Utilities (LTU) on 70th and Saltillo, and if it was added specifically for the high school. Cary explained that area had been planned and in the works before the high school was approved.

There was no testimony in support or opposition.

Campbell moved to close the public hearing on this item, seconded by Edgerton and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

COMPREHENSIVE PLAN CONFORMANCE 20005

ACTION BY PLANNING COMMISSION:

April 15, 2020

Campbell moved in full or general conformance with the Comprehensive Plan, seconded by Joy.

Joy shared that they have looked at all of the different possibilities and addressed some of the issues. She stated she was in support.

Campbell stated that he in terms of the question on the engines, he believes the City Council and the Mayor have found funds to replace 11 engines and the aerial engines will be next.

Motion carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

MISCELLANEOUS 20001

LINCOLN MPO PROPOSAL: REVIEW OF THE DRAFT FY2021 TO FY2024 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR CONFORMANCE WITH THE CURRENT LINCOLN METROPOLITAN PLANNING ORGANIZATION (MPO) LONG RANGE TRANSPORTATION PLAN **PUBLIC HEARING:**

April 15, 2020

Members present: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr; Al-Badry, Finnegan and Scheer absent.

Staff Recommendation: Miscellaneous 20001
In Conformance with the Long Range Transportation Plan

There were no ex parte communications disclosed.

Staff Presentation: Paul Barnes, Planning Department, came forward and stated this is for the Lincoln MPO Fiscal Year 2021 to 2024 Transportation Improvement Program (TIP) and was discussed at the April 1, 2020, briefing. The TIP is a 4-year program of projects completed annually and brought forward to the Planning Commission. All projects in the TIP must be listed specifically or generally in the Long Range Transportation Plan (LRTP). This document obligates dollars to these projects based on specific project types, i.e., FTA are Federal Transit Administration funds and are solely for transit projects. The Technical Review Committee reviews the proposed projects to be included in the TIP. Agencies in the TIP include: the Nebraska Department of Transportation, Lancaster County, City of Lincoln, Lincoln Transportation and Utilities (LTU), StarTran, Railroad Transportation Safety District (RTSD), Parks & Recreation and others. Comments made at today's meeting will be attached to the TIP and forwarded to the State. This then goes on to Technical Committee and then the Officials Committee. This TIP will be included in the State TIP, with public review.

Campbell stated the TIP refers to the 14th and Warlick Project as still in process. Barnes said the language is on hold; it is a regionally significant project and it must be included in the TIP.

Proponents:

There was no testimony in approval.

Opponents:

1. **Pam Dingman, Lancaster County Engineer**, came forward and communicated concerns with the funding set aside for the MPO and lack of funding for county-related projects.. The Project Selection Committee met three times this year and the projects put forth were described as system maintenance and system optimization. Lancaster County had asked for additional funding for future years for the 98th Street from Old Cheney to A Street and A Street to O Street, Fletcher Avenue from 84th Street to 148th Street, and funding to start the design of the Arbor Road Bridge--she expressed concern about the roundabout to be put in at the intersection by the

bridge and inquired as to why the bridge was not included. The bridge does not meet the standards and will need to be larger in the future. The Fletcher Avenue Project needs to be included because Waverly has requested a truck route several times. Dingman stated that Lancaster County only has a single vote in the project selection for funding, and further indicated that for the past 18 years, there has been a problem with the way projects have been selected. Last year was the first year Lancaster County received funding. She is disappointed this year that the County projects were not even named. During the meeting on February 14, 2020, when asking why her projects were not named, she was told she should not even be there. She questioned how Lancaster County is losing to unnamed projects. This funding has been available for the past 20 years, but not for Lancaster County. These funds should be intended for the area along the development fringe, which would benefit both the City and County. This system is broken for Lancaster County, as the list of projects presented are for the city.

Campbell asked if the County Board Chair and Vice Chair were both on the MPO. Dingman stated that are both on the Officials Committee. Campbell stated then they do have more than one voice to vote. Dingman clarified that her concern relates to the voice and vote on the Project Selection Committee.

Beckius asked if Ms. Dingman if she felt that the comment made at selection committee meeting questioning her attendance was because of her gender. Dingman said she feels it is a distinct possibility, because she was dismissed at the meeting.

Corr asked if she has suggestions on how Lancaster County could be represented better in this process. Dingman said there should be some funding distribution goal for Lancaster County.

Campbell asked if it would be realistic for the county to get 10 percent, based on the city/county population density of 90 percent city, 10 percent county. Dingman said if we focus on the development fringes, it would benefit both, and, therefore, does not seem very equitable. Campbell asked if Fletcher were added back in, would there be a reduction of funds to other projects, and, if so, how it would be determined. Dingman said that was a question for the City staff. Dingman indicated that the cost of the Fletcher project is \$184,400 for engineering, and Arbor Road Bridge is \$118,000.

Joy asked if the County had a project list and how their process worked. Dingman shared they are asked to provide projects to the committee with estimates.

Corr thanked Ms. Dingman for coming forward knowing it was tough to bring her concerns forward. The Planning Commission does represent the City and the County and, therefore, Ms. Dingman should be at the meetings. Dingman stated that she believes Lancaster County should have a voice and a percentage of the funding.

Staff Questions:

Campbell asked if they were to add \$250,000 for these two projects back to into the MPO, would this be the process to recommend amending the MPO. Cary stated the budgeting of funds would not necessarily be this Commission's action and explained that the process to do this has already happened by the Project Selection Committee, which included the County representative. In order to make changes to the process, it would need to be with the LRTP and the Planning Department. The Planning Department would be open to make changes to the process, stating that he understands the concerns of the County Engineer.

Campbell asked if they are only considering what is before them in terms of conformance to the Comprehensive Plan. Cary said yes. Campbell asked if the Comp Plan revision would be where those projects could be added. Cary said correct.

Edgerton asked if there were questions on the process, who would be involved. Cary stated this could be discussed at the MPO level, which is both the Technical Committee and the Officials Committee.

Corr asked how many people are on the MPO Committee. Cary said the Technical Committee has 20 members-- 2 are county representatives. Planning staff represent both city and county. Corr asked how many from Planning are on this committee. Cary said three.

Beckius stated in the future it might be helpful if under the funding summary tab it would show a breakdown of local dollars used for each city and county project. Barnes stated that would be easy to get in a chart or graph form. Beckius asked how to figure out if the funding used is controlled locally. Barnes stated the numbers they receive from the State in the TIP are the numbers that they can control. Beckius asked if the State dollars listed were attached to certain projects. Barnes stated they could be depending on the funding source and the grant type. Beckius stated that he is trying to focus on dollars that they control and not dollars that have strings attached. Cary stated the Surface Transportation Program dollars and Federal funding comes through the State to the MPO's; once allocated at the local MPO level, the decision-making controls the use of those funds.

Beckius stated that if any Planning, LTU or anyone else has a problem working with the County Engineer or anyone else because of their gender, it is a problem. If any employee sees this, they should feel empowered to call it out and put a stop to it immediately. Cary stated that he agrees with Commissioner Beckius.

Corr stated the County Engineer mentioned that the projects listed by the city were in a general term, and she asked if they could be listed more specifically. Cary stated, the way this was handled has been deemed appropriate on how items are represented in the TIP. It can be by project specific or by a program. Barnes stated it is called a group of projects, and it is a process and agreement that the MPO has with LTU and the city. The specific projects are listed in the appendix. Corr asked if the list was provided during the meetings. Barnes stated it was provided later as part of the discussion with the subcommittee. Corr stated that it would be helpful to have the list in one of the meetings because there might be some cost-sharing projects. Barnes said at the last meeting they went over the drafted list.

Campbell moved to close the public hearing on this item, seconded by Edgerton and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

MISCELLANEOUS 20001

ACTION BY PLANNING COMMISSION:

April 15, 2020

Campbell moved to find the proposed program to be in conformance with the Long Range Transportation Plan, seconded by Edgerton.

Campbell stated he would like to make a recommendation to the MPO Committee to look at adding the two projects discussed earlier back into the program, because if not taken care of now, they will become a city issue. Adding them back to the MPO, we would be ahead of the game and up to speed on what should be moving forward.

Joy agreed with Commissioner Campbell's statement. She shared they need to deal with what is coming up and should work together because they represent everyone.

Beckius stated the projects are in conformance with the Comprehensive Plan. He shared that today's discussion has given more opportunity to discuss ways this group can work together moving forward.

Corr shared that she would like to encourage more collaboration between everyone and look for funding and projects that can be done together. She stated this is in conformance with the LRTP, but encourages the revamping of the process to have more cohesive development discussions in the future.

Motion carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

Campbell indicated that he would like to make a resolution to pass onto the MPO Committee, and he further stated he would like them to look at adding the Fletcher and Arbor Bridge

projects back into the program as soon as possible. **Tim Sieh, City Attorney's Office**, came forward and stated that the agenda items have been set and it would be inappropriate under the Open Meeting Act to start adding resolutions or items to the agenda.

[Break at 2:10 P.M.]

Resumed at 2:15 P.M.]

SPECIAL PERMIT 20008

TO ALLOW FOR THE DEVELOPMENT OF A CUP (COMMUNITY UNIT PLAN) WITH UP TO 28 DWELLING UNITS, WITH REQUESTED WAIVERS TO LOT DIMENSIONS, SETBACKS, AND THE PRIVATE ROADWAY DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED AT FLETCHER VENUE AND TELLURIDE DRIVE

PUBLIC HEARING:

April 15, 2020

Members present: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr; Al-Badry, Finnegan and Scheer absent.

Staff Recommendation: Conditional Approval

There were no ex parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: **Steve Henrichsen, Planning Department**, came forward and stated this item is continued public hearing from the last meeting and has been re-advertised. At the last meeting, people in opposition provided testimony and, at this point, we will continue with people in opposition.

Proponents:

There was no testimony in support.

Opponents:

1. **Elly Hardekopf, 2365 Telluride Circle**, came forward in opposition and provided some new information to the Commissioners. She referenced pictures that she had taken of Telluride Circle (see Exhibit "1"), illustrating current housing structures in the area, as well as street/parking concerns. There is not enough room in the area for 28 units. There is only three car lengths to the stop sign by Fletcher, which is not enough. There were 12 cars on the street this morning and she wonders where they are going to park.

Corr asked if the houses shown were single-family homes or duplexes. Hardekopf said duplexes.

Campbell asked why they were not parking in their driveways. Hardekopf stated they are parking in their driveways but some families have two cars in the driveway and their kid's park in the street. The driveways are not large enough to park four cars without going over the sidewalk.

Joy asked if when she purchased her lot if they discussed additional parking with her. Hardekopf said there was no discussion on parking, as there is no Homeowners Association (HOA). The property was to be for a church.

2. **Janalynn Menter, 2369 Telluride Circle**, came forward and stated they have lived at this address for almost 14 years. They are supportive of a development but have concerns on the current proposal. The density of this development is too crowded. She suggested they consider getting rid of Units 21 to 24 to provide some park space for the area. She stated her husband currently parks his work truck in the street by their house. It is likely he will have to park two or three blocks away from home, if this development is approved. She asked if the developers could turn Units 17 to 20 to face Kokomo Drive, which would allow for more parking on the street.

Edgerton asked Menter to clarify what changes to units she suggested. Menter stated they could eliminate Units 21 to 24 for park space and if they could turn Units 17 to 20 to have their driveway on Kokomo Drive, this would allow for parking.

Staff Questions: Henrichsen stated he would start with addressing the questions from the last meeting. The existing Telluride Circle is a standard-width street, which is 27-feet wide. There is 25 feet from the garage face to the property line and an additional 3 feet to the sidewalk. These units will provide four parking stalls--two in the garage and two in the driveway. If the drive on Telluride Circle was moved to just Telluride Drive, which is south of Fletcher, there would not be a lot of stacking room. After discussions, it was felt that it would be best to keep both accesses to avoid additional stacking. It is unfortunate that this and others areas were developed before the guest parking standards. This development meets the requirement with additional on-street parking remaining.

Edgerton asked if Kokomo Drive was a private road. Henrichsen said correct. Edgerton asked if because it is a private drive that means some of the existing property owners would not be able to use it for their parking. Henrichsen said correct; it would be up to the association to take action on the issue.

Corr asked if the width of Telluride Circle would be large enough for emergency vehicles even with parking on both sides. Henrichsen said this is correct--it is a typical street with cars parked on the street. Corr inquired if there would be enough room for the emergency vehicles to turn around in the circle. Henrichsen said yes. Corr further asked if there were reasons why they want Kokomo Drive to be a thru street instead of a cul-de-sac. Henrichsen stated this allows the traffic to go out Telluride Drive or Telluride Circle. This will increase the traffic, but no more than if the entire area would have been developed on day one.

Edgerton said the reality is that it was not all developed on day one. These residents have gotten used to the access and, at the time, they thought that there would be a church. Within the purview of a special permit for a Community Unit Plan, the Planning Commission does have the opportunity to make provisions regarding the parking. Henrichsen said in essence yes; part of the challenge here is that the applicant is meeting all of the parking requirements. They are not asking to waive any parking requirement.

Beckius asked if a resident could park in front of their own curb cutout. **Bob Simmering, Lincoln Transportation & Utilities (LTU)** came forward and stated the enforcement of blocking driveways is strictly on a complaint basis. Beckius asked if that means it is not allowed. Simmering stated that you cannot park within 5-feet of someone's cutout. If the owner does not complain, nobody will go out.

Corr asked if there is a complaint, do they need to see it. Simmering said the police would go out and they would need to see it.

Joy stated it is hard to make a new developer do things to be neighborly, and she asked if in the past they have asked a developer to have additional parking above what is required. Simmering said he is not aware of it being done. Joy asked about the proximity of Kokomo Drive coming out onto Telluride Drive and the stop sign to Fletcher. Simmering said they normally have 50 feet for separation but, looking at traffic movement, it was felt to be appropriate to have that connection at that location.

Corr asked what if Kokomo Drive was a cul-de-sac instead of a thru street. Henrichsen stated removing the access on Telluride Circle was an option that was looked at but there was concern with several cars coming out right at the Fletcher intersection.

Applicant Rebuttal:

Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, Suite 200, came forward and stated this project is only 60 percent of the density that would be allowed for this area. The access on Telluride Circle is the width of three cars. If the north and the south side were to be

platted together today, there would be enough parking to meet the requirements for the entire area.

Corr asked how strict the new development would be with allowing parking on the private street. Eckert stated that he is unsure if he could answer that, but assumes it will be complaint driven.

Corr asked about turning Units 17 to 20 to Kokomo Drive, which would help with parking on Telluride Circle. Eckert stated that there was not enough room to turn those units to Kokomo Drive. Corr asked if the developer would be willing to put in a play structure for kids. Eckert explained that there would be liabilities that would come with a play structure, and, therefore, would guess the answer is no.

Joy asked about staggering the driveways by a couple of feet. Eckert stated they would look at that with the final layout.

Campbell asked about taking two driveway and making it narrow at the end as if it were a single driveway that flares at the top for both driveways--it would open up space for parking. Eckert stated they would look at that.

Corr asked if the units would have basements or be slab. Eckert said the anticipation is they would be slab.

Campbell moved to close the public hearing on this item, seconded by Ryman Yost and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

SPECIAL PERMIT 20008

ACTION BY PLANNING COMMISSION:

April 15, 2020

Campbell moved approval, seconded by Beckius.

Campbell said that they are the second to come into the area and people have their habits. Even if they do not combine the driveways there is still quite a bit of on street parking left. No one would be happy after living somewhere for 14 years and then have a new development move in, but people adapt quickly. This is an infill project and he is in support.

Beckius stated he is in support. The developer is working well within the parameters of the ordinance and this does have a lower density. The development offers green space between units. Telluride Circle is a public street and he does not see how you can restrict access of a public street for one user and not another. This is a great example of the design code in action

and changing overtime. He shared that he sympathizes with the North Creek 7th Addition, but it is not within their purview to restrict the North Creek Addition, because they are substantially meeting the requirements.

Edgerton stated she would be voting against the motion. She shared she does understand and agrees with many of the things that her colleagues have mentioned. Within the CUP guidelines, the ideas are to permit the creative design of a neighborhood and ensure that there can be infill projects, which are very important. She stated that she has concerns with the existing residents of the surrounding neighborhoods. One of their charges is to protect the health, safety and welfare of the existing residents. She appreciates their concerns and this neighborhood has been there for more than 15 years. She stated putting 4-plexes in a neighborhood that does not have any parks and the parking challenges has swayed her decision, and she further stated she is in opposition of this.

Corr shared this is a tough site for an infill project because of what was initially thought to be put in at that location. It makes it a tough decision for her also. If the same type of development were on the opposite side of Telluride Circle, how many units would go in there and what would parking look like then. She feels on-street parking would still be an issue and for that reason, she will support this because any alternative there would still be parking struggles. She hopes that the new developer will be lenient when it comes to allowing residents to park on the wider street to help elevate some of these parking concerns.

Motion carried 5-1: Campbell, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Edgerton voting 'no'; Al-Badry, Finnegan and Scheer absent.

Note: This is **FINAL ACTION** on **Special Permit 20008**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

ANNEXATION 20004

TO ANNEX APPROXIMATELY 14.7 ACRES, MORE OR LESS, AND ADJACENT RIGHTS-OF-WAY, ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND YANKEE HILL ROAD

AND

CHANGE OF ZONE 20005

FROM AG (AGRICULTURAL DISTRICT) TO B-2 (PLANNED NEIGHBORHOOD BUSINESS DISTRICT), ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND YANKEE HILL ROAD

AND

USE PERMIT 20003

TO ALLOW UP TO 120,000 SQUARE FEET OF COMMERCIAL USES AND UP TO 120 MULTI-FAMILY DWELLINGS WITHIN THE B-2 (PLANNED NEIGHBORHOOD BUSINESS DISTRICT) WITH WAIVERS TO ALLOW SHARED PARKING, ADJUST THE PARKING RATE TO 1 SPACE PER 300 SQUARE FEET OF FLOOR AREA FOR ALL COMMERCIAL USES, ADJUST SETBACKS, ALLOW LIGHT

TRESPASS ACROSS LOT LINES, AND ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADE ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND YANKEE HILL ROAD
PUBLIC HEARING: **April 15, 2020**

Members present: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr; Al-Badry, Finnegan and Scheer absent.

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| <u>Staff Recommendation:</u> | Annexation | Conditional Approval |
| | Change of Zone | Approval |
| | Use Permit | Conditional Approval |

There was ex parte communications disclosed by Commissioner Corr on these items. She noted that she has an acquaintance that lives in the nearby development who approached her with questions. She stated she had answered some of the questions and forwarded them to planning staff.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: **Steve Henrichsen, Planning Department**, came forward and stated this is a combined staff report for two related applications associated with the Harvest Hills Use Permit, located northwest of the intersection of South 70th Street and Yankee Hill Road. The plan proposes to develop the site with 120,000 square feet of commercial floor area and 120 dwelling units. To the east is 70th Street and Yankee Hill Road is to the south. The developer made road improvements at both Bridal Lane on the north and on the west side 67th Street, which was part of a previous annexation agreement. The city has constructed a roundabout as part of the Yankee Hill Road Improvement project. This plan meets the parking requirements. This is in conformance with the Comprehensive Plan.

Edgerton asked if he could discuss the pipeline that is in the area. Henrichsen shared that the pipeline is a 200-foot area with no residential uses on. This is along the north side of Yankee Hill Road. Lots 7 and 8 would not have any residential uses because of the pipeline and most of the remaining pipeline area is shown as parking.

Corr asked if this was commercial with residential above it because they are not just apartment buildings. Henrichsen shared this is a conceptual plan and the development will not look exactly like this. The zoning was changed to B-2 and there may be changes to the plan—where you see planned commercial on the first floor, it could end up being residential. They could do more commercial with less units also.

Corr asked if there was much of a traffic volume difference between commercial uses and apartment uses. **Bob Simmering, Lincoln Transportation & Utilities (LTU)**, came forward and

stated the type of commercial uses would change the traffic pattern. Some uses are higher like medical with others much lower. With the average type of commercial, there would not be a great variation between the residential or commercial during the peak hours. Corr stated there is concern that people will cut through the neighborhoods and wondered how they could discourage it. Simmering stated the biggest deterrent would be that it is a 27-foot street with parking on both sides. The speed for traffic on 70th Street and Yankee Hill Road is 45 mph, and traffic could drive faster by taking these roads.

Edgerton stated they received communication from someone with concerns on the water pressure and flow-ability in the area. Simmering stated the Water Department would be monitoring this. As things develop around this area, they should find that some of these issues are alleviated.

Corr asked if some of the water issues could be from the size of the connection to the city or from their house. Simmering stated the size could make an impact to the user.

Applicant:

Nate Burnett, REGA Engineering, 601 Old Cheney Road, came forward on behalf of Hampton Enterprises who has been working on this for 18 months. This development has eight proposed lots. Lots 2, 3, 5 and 6 will be for commercial and multi-family. The residential will be on the second floor and up. Schemmer is the architect for this project. This site is connected to two major arterials, on the east side of this site, there will be a bike trail. Last Tuesday, there was a zoom neighborhood meeting where neighbors expressed concerns related to traffic. Because there is the access to two major arterials, this should help. Some of the residents were okay with the commercial but had issues with the apartments. Felsburg Holt & Ullevig (FHA), a traffic consultant, was asked to run an analysis based on 600 parking stalls. With that analysis, it was shown they could have 180,000 square feet of commercial, and, therefore, they are proposing 120,000 square feet for commercial and 120 dwelling units. This will decrease traffic during the peak hours. Burnett explained that he had conversations with Dave Beyersdorf, Superintendent of the Water Distribution, who indicated to him that the average for this area is 65 to 70 psi in a pressure test. Normal operating pressure for the City of Lincoln is 40 to 100 psi. Beyersdorf also indicated that this area has different elevations; some at the higher elevations could have a reduced psi of 50, because of the elevation. This development would not affect the water pressure.

Beckius asked if the retail aspect without the housing above would have the same look and feel of the Hamptons Development at 84th and Glenn Oaks. Burnett said yes. Beckius asked if the first floor of the mixed-use building would have a more traditional office space potential, retail use, or is it undetermined as this point. Burnet stated it would be more like let us see who comes along.

Corr asked if it would be like Fallbrook with a main street feel. Burnet said that they do want a main street feel. There is an area proposed for farmer markets and other outdoor events. There are 133 parking stalls that will be below the buildings, so there is one stall for every apartment. Corr asked if below meant that there would be underground parking. Burnet said yes.

There was no testimony in support or opposition.

Campbell moved to close the public hearing on these items, seconded by Edgerton and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

ANNEXATION 20004

ACTION BY PLANNING COMMISSION:

April 15, 2020

Campbell moved approval, seconded by Beckius.

Beckius shared this is an exciting potential for the corner of 70th and Yankee Hill. We have seen some mixed-use developments largely centered on commercial with multi-family abutting it. There are a few outside of the downtown area. This will be a substantial use of living units above with office and B-2 use below. He stated he is excited and is supportive of this project. This fits well within the existing neighborhood and allows for neighborhood services.

Corr stated that neighbors were told this was going to be a commercial project and commercial can mean many different things to different people. It could mean offices or retail. The mentioning of apartments took the neighbors by surprise. They were probably thinking of a large apartment complex when they heard about it, which is contrary to what they thought when they purchased their property. This is a mixed use that will be a little of both. She thanked the applicant for sharing the traffic numbers and the information on the parking. She stated that she hoped this would relieve concerns with the adjacent neighborhoods on how this would affect them. This should be a nice neighborhood complex and hopes they will hold some community events.

Motion carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

CHANGE OF ZONE 20005

ACTION BY PLANNING COMMISSION:

April 15, 2020

Edgerton moved approval, seconded by Ryman Yost and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

USE PERMIT 20003**ACTION BY PLANNING COMMISSION:****April 15, 2020**

Campbell moved approval, seconded by Edgerton and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

Corr announced the April 29, 2020, Planning Commission hearing is cancelled due to the current health measures being taken by the City of Lincoln as a result of the Covid-19 virus.

Corr stated at this point, we generally invite anyone wishing to speak on an item not on the agenda to come forward and do so. However, we are suspending this portion of the hearing until further notice. If you do have comments please direct them to Plan@lincoln.ne.gov or by calling 402-441-7941.

Campbell moved to adjourn the Planning Commission Meeting of April 15, 2020, seconded by Beckius and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Al-Badry, Finnegan and Scheer absent.

Meeting adjourned 3:28 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, May 13, 2020.

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